	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S97A/0262
1. Location	Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14.	
2. Development	6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works.	
3. Date of Application	28/04/97	Date Further Particulars (a) Requested (b) Received
3a. Type of Application	Permission	1. 21/07/1997 2. 25/06/19 — 1. 27/04/1998 2. 10/08/19
4. Submitted by 5. Applicant	Name: Mallon Architects & Project Managers, Address: 44 Northumberland Road, Ballsbridge, Dublin 4. Name: Mr. P. Hurley, Address: 'Capri', Whitechurch Road, Rathfarnham, Dublin 14.	
6. Decision	O.C.M. No. 2046 Date 08/10/1998	Effect AP GRANT PERMISSION
7. Grant	O.C.M. No. Date	Effect AP GRANT PERMISSION
8. Appeal Lodged	06/11/1998	Written Representations
9. Appeal Decision	28/05/1999	Grant Permission
10. Material Contravention		
11. Enforcement	Compensation	Purchase Notice
12. Revocation or Amendment		
13. E.I.S. Requested	E.I.S. Received	E.I.S. Appeal
14. ..... Registrar	..... Date	..... Receipt No.

SOUTH DUBLIN COUNTY COUNCIL
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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1252	**Date of Decision** 25/06/98
Register Reference S97A/0262	**Date** 28th April 1997

Applicant Mr. P. Hurley,
App. Type **Permission**
Development 6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works.

Location Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14.

Dear Sir / Madam,

With reference to your planning application, additional information received on 27th April 1998 in connection with the above , I wish to inform you that before the application can be considered under the Local Government (Planning and Development) Acts 1963 - 1993 , the following **Clarification of Additional Information** must be submitted in quadruplicate :

1 The applicant is requested to submit a copy of the relevant deed map in respect of the copy Deed of Assignment previously submitted in order to clarify the applicant's legal interest in all the land outlined in red on the submitted drawings.

2 Clarification of the submitted revised proposal is required to show how it is proposed to provide an adequate turning area for service vehicles within the site. In this regard it should be noted that such provision should be

Mallon Architects & Project Managers,
44 Northumberland Road,
Ballsbridge,
Dublin 4.

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accommodated without encroaching further upon the indicated areas of public open space within the site.

3 clarification of the proposed new crossing over the stream is required with regard to its likely effect on the hydraulic capacity of the stream having regard to its location in relation to the existing weir and culvert structures. Applicant to submit hydraulic calculations as requested.

Please mark your reply **"CLARIFICATION OF ADDITIONAL INFORMATION"** and quote the Planning Reg Ref. No. given above.

Yours faithfully

.....

for SENIOR ADMINISTRATIVE OFFICER

25/06/98

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1451	**Date of Decision** 21/07/97
Register Reference S97A/0262	**Date** 28th April 1997

Applicant Mr. P. Hurley,
Development 6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works.

Location Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14.

App. Type Permission

Dear Sir/Madam,
With reference to your planning application, received on 28/04/97 in connection with the above, I wish to inform you that before the application can be considered under the Local Government (Planning & Development) Acts 1963-1993, the following **ADDITIONAL INFORMATION** must be submitted in quadruplicate:

1 In respect of foul sewer the applicant is requested to submit the following:-

- full details of proposed drainage layout to include pipe sizes, gradients, invert and cover levels up to and including connection to public sewer.
- full cross section details of culverted watercourse at proposed sewer crossing showing all significant levels from culvert invert to final surface level.

2 In respect of surface water sewer the applicant is requested to submit the following:-

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44 Northumberland Road,
Dublin 4.

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- full and comprehensive details of proposed culverting of stream, to include hydraulic calculation, minimum cross section of proposed culvert and existing section.
- details of proposed diverted open section of stream including gabions construction or similar to realigned banks. Also full details of tie-in to existing gabion banks and proposed culvert.
- details of acceptable proposals for diversion of existing public sewer which is located within 5m of proposed dwelling.
- details of proposed surface water drains to include pipe sizes, invert and cover levels, gradients and longitudinal sections up to and including discharge to stream.
- full details of proposed discharge to proposed culvert.
- applicant to ensure that alterations to existing stream channel do no adversely affect hydraulic capacity of existing culvert (with sluice gate). In this regard the applicant to submit proposed details of cross section of stream channel and culvert at this location.
- details of security screen at up-stream entrance which would be required by the Environmental Services Department of the Planning Authority.

NOTE: The applicant is advised to consult with the Eastern Regional Fisheries Board in advance of submitting details in respect of the proposed culvert.

3 In respect of water supply applicant is requested to submit details of watermain layout.

4 The applicant is requested to submit satisfactory evidence of legal interest in all land outlined in red on the submitted plans.

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Signed on behalf of South Dublin County Council

..... 21/07/97
for Senior Administrative Officer

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Order Number 0939	**Date of Order** 20/05/97
Register Reference S97A/0262	**Date** 28th April 1997

Applicant Mr. P. Hurley,

Development 6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works.

Location Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14.

Dear Sir/Madam,

An inspection carried out on 13/5/97 has shown that the site notice erected in respect of your planning application does not comply with the requirements of the Local Government (Planning and Development) Regulations, 1994 as the site notice is torn and hanging from the signpost and is not legible.

(a) two copies of the text of the notice
(b) two plans showing the position of the notice on the land or structure
(c) a statement of the date on which the notice is erected

The notice must be maintained in position for at least one month and must fulfill the following conditions:-

1. Must be durable material
2. Must be securely erected in a conspicuous position easily visible and legible by persons using the public road
3. Must be headed "**Application to Planning Authority**".
4. Must state:

Mallon Architects & Project Managers,
44 Northumberland Road,
Dublin 4.

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(a) Applicant's name
(b) whether application is for **Permission, Outline Permissin, or Approval.**
(c) nature and extent of development including number of dwellings (if any)
(d) that the application may be inspected at the Planning Department, South Dublin County Council, Town Centre, Tallaght, Dublin 24.

No further consideration will be given to this application until you comply with these requirements.

Yours faithfully,

..... 20/05/97
for Senior Administrative Officer.

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)		Plan Register No. S97A/0262/C1
1. Location	Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14.		
2. Development	6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works. Compliance re condition no.8.		
3. Date of Application	28/03/00	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Compliance with Conditions	1. 2.	1. 2.
4. Submitted by 5. Applicant	Name: O'Flaherty and Associates, Address: 15 Sonesta, Malahide, Name: Mr. P. Hurley, Address: 'Capri', Whitechurch Road, Rathfarnham, Dublin 14.		
6. Decision	O.C.M. No. 1287 Date 14/06/2000	Effect CC APPROVE THE COMPLIANCE SUBMISSION	
7. Grant	O.C.M. No. Date	Effect CC APPROVE THE COMPLIANCE SUBMISSION	
8. Appeal Lodged			
9. Appeal Decision			
10. Material Contravention			
11. Enforcement	Compensation	Purchase Notice	
12. Revocation or Amendment			
13. E.I.S. Requested	E.I.S. Received	E.I.S. Appeal	
14. ..... Registrar	..... Date	..... Receipt No.	

REG. REF. : S97A/0262/C1

DATE : 14.06.2000

RE: **6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works at Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14 for Mr. P. Hurley.**

Dear Sir/Madam,

I refer to your submission received on 28.03.2000 to comply with Condition No. 8 of decision to grant permission by An Bord Pleanala, Order No. PL.06S.10944, dated 20.05.1999, in connection with the above.

In this regard I wish to inform you that the submission received is satisfactory.

Yours faithfully,

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for Senior Administrative Officer

O'Flaherty and Associates,
15 Sonesta,
Malahide,
Co. Dublin.

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1998

County South Dublin

Planning Register Reference Number: S97A/0262

APPEAL by Willbrook Lawn Residents' Association care of Clinton Associates of number 'Zero', Ranelagh, Dublin against the decision made on the 8th day of October, 1998 by the Council of the Council of South Dublin to grant subject to conditions a permission to Patrick Hurley care of Arthur Mallon of 44 Northumberland Road, Ballsbridge, Dublin for development comprising six number two-storey townhouses with new pedestrian and vehicular access from Whitechurch Road with a new pond and partial culverting of stream and ancillary site development works, all at lands adjacent to 'Capri' Whitechurch Road, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1998, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the residential zoning objective for the area, as set out in the current Development Plan for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of property in the vicinity and would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 27th day of April, 1998, the 29th day of June, 1998 and the 28th September, 1998, except as may otherwise by required in order to comply with the following conditions.

   Reason: In the interest of clarity.

10. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

11. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

Michael Ryan

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 28th **day of** May **1999.**

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NOTIFICATION OF DECISION TO GRANT PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 2046	**Date of Decision** 08/10/98
Register Reference S97A/0262	**Date** 28th April 1997

Applicant Mr. P. Hurley,

Development 6 no. 2 storey townhouse type dwellings with new pedestrian and vehicular access from Whitechurch Road, with a new pond, partial culverting of existing stream and ancillary site development works.

Location Lands adjacent to "Capri", Whitechurch Road, Rathfarnham, Dublin 14.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received 21/07/97 /27/04/98

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a **DECISION TO GRANT PERMISSION** in respect of the above proposal.

Subject to the conditions (19) on the attached Numbered Pages.

Signed on behalf of the South Dublin County Council.

..... 08/10/98
for SENIOR ADMINISTRATIVE OFFICER

Mallon Architects & Project Managers,
44 Northumberland Road,
Ballsbridge,
Dublin 4.

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Conditions and Reasons

1 The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and in accordance with Additional Information received 27/04/98, 26/06/98, 29/06/98, 10/08/98 and 28/09/98, save as may be required by the other conditions attached hereto.
REASON:
To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2 The proposed development shall be laid out as per Drawing No. 9720/SK/12 received 29/06/98. Furthermore the revised dwelling unit at the northern end of the terrace shall be to the same design as the remaining units as shown on revised drawings received on 27/04/98.
REASON:
In the interest of clarity.

3 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council. In this regard the following requirements shall be adhered to in the development to be constructed:-

Foul Drainage

(a) Applicant to ensure full and complete separation of foul and surface water systems;
(b) No building within 5m of public sewer, or sewer with potential to be taken in charge;
(c) No foul drainage within 5m of River.

Surface Water

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(a) Applicant to ensure full and complete separation of foul and surface water systems. No building within 5m of public sewer, or sewer with potential to be taken in charge;
(b) Applicant to ensure that the upstream edge of the bridge will be a minimum of 3 metres from the existing weir. Bridge design to be certified by Chartered Structural Engineer and submitted to South Dublin County Council prior to construction;
(c) Applicant to install screen on entrance to culvert. Design of screen to be as shown on standard detail available from drainage Area Engineer, Deansrath Depot, telephone 01-4570784.
d) Applicant to agree details of the railings along the stream bank and their mode of attachment prior to construction;
(e) Applicant to ensure that the hydraulic capacity of the stream is not affected by the proposed works;
(f) All floor levels to be 0.5m above highest recorded flood level;
(g) Applicant to accurately locate and protect existing public services, including surface water pipe/ channel that runs parallel to the Whitechurch Road. Existing sluice gates to be protected to the Park's Department's approval;
(h) Applicant to revise drainage across bridge and resubmit prior to construction;
(i) Applicant to take all precautions to prevent pollution in river during construction.

Water Supply

(a) 24 hours storage per dwelling to be provided;
(b) All connections and tappings of mains to be carried out by South Dublin County Council at applicants prior expense;
(c) The requirements of the Chief Fire Officer to be ascertained and strictly adhered to.

REASON:
In order to comply with the Sanitary Services Acts, 1878-1964.

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4 The following requirements of the Roads Department to be implemented as part of the development:-

(a) Vision splays at entrance/exit point to be to Roads Department standards. This may involve setting back the boundary adjacent to the access or keeping height of the boundary below 900mm;
(b) Footpaths along frontage of site to be resurfaced to Roads Departments standards.

REASON:
To ensure a satisfactory standard of development in the interest of public safety.

5 A financial contribution, in the sum of money equivalent to the value of £4,000 (5 no. x £800) as on 1st January, 1991, updated in accordance with the Wholesale Price Index-Building and Construction (Capital Goods) as published by the Central Statistics Office to the value pertaining at the time of payment shall be paid by the developer to South Dublin County Council towards the cost of road improvements and Traffic Management proposals in the area serving this site.

REASON:
It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on road improvement works and traffic management schemes facilitating the proposed development.

6 That each proposed house be used as a single dwelling unit.
REASON:
To prevent unauthorised development.

7 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other

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debris on adjoining roads during the course of the works.
REASON:
To protect the amenities of the area.

8 That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site.
REASON:
In the interest of amenity.

9 That no dwellinghouse be occupied until all the services have been connected thereto and are operational.
REASON:
In the interest of the proper planning and development of the area.

10 That all watermain tappings, branch connections, swabbing and chlorination be carried out by the County Council's, Environmental Services Department and that the cost thereof be paid to South Dublin County Council before any development commences.
REASON:
To comply with public health requirements and to ensure adequate standards of workmanship. As the provision of these services by the County Council will facilitate the proposed development it is considered reasonable that the Council should recoup the cost.

11 That an acceptable street naming and house numbering scheme be submitted to and approved by the County Council before any constructional work takes place on the proposed houses.
REASON:
In the interest of the proper planning and development of the area.

12 That screen walls in block or similar durable materials not less than 2 metres high, suitably capped and rendered, be provided at the necessary locations so as to screen rear

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gardens from public view. The specific locations and extent of walling must be fully discussed and agreed with the County Council before construction. Timber fencing is not acceptable.
REASON:
In the interest of visual amenity.

13 Heating to be provided by the use of either oil, gas, electricity or by smokeless fuels in fireplaces or appliances suitable only for burning solid smokeless fuels.
REASON:
In the interest of reducing air pollution.

14 That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council.
REASON:
In the interest of the proper planning and development of the area.

15 All car parking spaces shall be laid out and marked on site in accordance with County Council standards.
REASON:
To ensure a satisfactory standard of development.

16 That a financial contribution in the sum of £5,000 (five thousand pounds) (5 no. x £1,000) be paid by the proposer to South Dublin County Council towards the cost of the provision and development of Class 1 public open space recreational facilities at Rathfarnham Castle Park and which will facilitate the development; this contribution to be paid before the commencement of development on site.
REASON:
It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on the

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provision and development of amenity lands in the area which will facilitate the proposed development.

17 (a) That the section of the site north of the proposed access road shall be incorporated into the adjoining area of public open space, landscaped and ceded free of charge to South Dublin County Council.

(b) The main area of off-street car parking space to serve the proposed development shall be provided in the part of the site to the south of the proposed access road. The car parking area shall be laid out and landscaped appropriately so as to provide views from Whitechurch Road to the river.

(c) Full details of the proposed treatment of the connection at the weir to the mill race, the mill race itself and the sluice gate mechanism contained on the site shall be submitted for the written agreement of the Planning Authority prior to development commencing;

(d) Prior to development commencing a detailed landscape plan for the site shall be submitted for the written approval of the Planning Authority, including full works specification and details of all boundary treatment.

REASON:
In the interest of amenity.

18 That a financial contribution in the sum of £2,760 (two thousand seven hundred and sixty pounds) be paid by the proposer to South Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

REASON:
The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

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19 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, until taken in charge by the Local Authority for Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains, has been given by:-

a. Lodgement with the Council of an approved Insurance Company Bond in the sum of £8,000 (eight thousand pounds) until such time as the Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council.
Or./...

b. Lodgement with the Council of a Cash Sum of £5,000 (five thousand pounds) to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specifications.
Or./...

c. Lodgement with the Planning Authority of a letter of guarantee issued by the Construction Industry Federation in respect of the proposed development, in accordance with the guarantee scheme agreed with Planning Authority.

REASON:
To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.